

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Acceleration of Broadband Deployment)	WC Docket No. 11-59
Expanding the Reach and Reducing the Cost of)	
Broadband Deployment by Improving Policies)	
Regarding Public Rights of Way and Wireless)	
Facilities Siting)	

COMMENTS OF THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS

The National Association of Towns and Townships (NATaT) files these comments in response to the Notice of Inquiry (“NOI”), released April 7, 2011, in the above-entitled proceeding. NATaT asserts that the Commission should not interfere with local policies as local governments have developed their own expertise in applying local policies to protect and further economic development, public safety, and other community interests. By adopting rules in this area, the Commission could disrupt this process at substantial cost to local taxpayers and to local economies. We believe that a basic respect for federalism, a fair reading of the Constitution and the Communications Act, and the Commission’s limited expertise in local land use matters, lead to the conclusion that this is not the place for federal regulation.

NATaT supports the Commission’s effort to accelerate broadband deployment. Local governments should establish policies to ensure reasonable fees and an efficient permitting process in order to facilitate broadband deployment. Local governments are best suited to develop and enforce these local policies, as a one-size-fits all approach by the federal government is not appropriate for local land use issues.

I. *Possible Commission Actions.*

The Commission asks what actions the Commission might take in this area.¹ NATaT strongly urges the FCC to refrain from regulating local right-of-way management and facility placement processes. These are highly fact-specific matters, which turn on local engineering practices, local environmental and historical conditions, local traffic and economic development patterns, and other significant community concerns and circumstances. These matters are managed by local staffs with considerable expertise. Imposing a federal regulatory regime would create unnecessary costs for local governments, and it would have the potential to undermine important local policies. Likewise, Commission regulation of charges for use of the rights-of-way could have significant impacts on local communities, and may actually make it infeasible to continue to maintain or provide important public services. If the Commission feels compelled to act in this area at all, it should limit itself to voluntary programs and educational activities, and to implementing its own recommendations in the National Broadband Plan for working cooperatively with state and local governments.

¹ NOI ¶ 36.

CONCLUSION

NATaT urges the Commission to conclude that right-of-way and facility management and charges are not impeding broadband deployment. Individual local governments develop and implement policies and procedures that are designed to protect important local interests, and have done so for many years.

Respectfully submitted,

National Association of Towns and
Townships

By: Jim Fisher
President
National Association of Towns and
Townships
1130 Connecticut Avenue, NW
Suite 300
Washington, DC 20036